ALABAMA HAZARDOUS WASTES MANAGEMENT AND MINIMIZATION ACT (AHWMMA)

Compliance Evaluation Inspection (CEI) Report

I. Author of Report

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Compliance and Enforcement, Industrial Hazardous Waste Branch
Alabama Department of Environmental Management (ADEM)
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II. Facility Information

Benjamin Moore and Company (BMC)
109 Bamberg Drive
Pell City, Alabama 35125
St. Clair County
EPA ID Number: ALD981472798
NAICS Code: 325998
Website: www.benjaminmoore.com

III. Responsible Officials

Mr. David Gafnea – Manufacturing Manager
Mr. Kevin Braun – Material Specialist
Mr. Joseph Roberts – Environmental, Health, and Safety Manager

IV. Inspection Participants

Mr. David Gafnea – BMC
Mr. Kevin Braun – BMC
Mr. Joseph Roberts - BMC
Mr. Corey S. Holmes- ADEM
Mr. Darryl Himes – Environmental Engineer
RCRA and OPA Enforcement and Compliance Branch, RCRA Division
United States Environmental Protection Agency, Region 4 (EPA)

V. Date of Inspection

November 7, 2013

VI. Applicable Regulations

ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations

VII. Purpose of Inspection

To determine BMC compliance with the requirements of the Hazardous Waste Program regulations.

VIII. Facility Description

BMC is a manufacture of paints and stains for commercial use, with a primary focus on architectural applications. The facility uses liquid and dry chemical processes that result in any color or tint a customer may request. The paints are manufactured in sizes that vary from quart containers to 250-gallon totes. All products that are shipped from this facility are transported directly to BMC distribution warehouses throughout the country. BMC has been in operation at the Pell City, AL location for approximately twenty-five years and has a workforce of approximately 140 people.

BMC has two paint manufacturing plants located at the site; Low Flash Building and Main Building. The paint manufacturing process starts with paint pigments (color) being ground to the desired size. The pigment is then added to a binder, which is the film-forming component of paint. The binder imparts adhesion and strongly influences properties such as gloss, durability, flexibility, and toughness. After the desired color has been achieved the solvent is then added. The main purpose of the solvent is to adjust the viscosity of the paint. Once the desired color and viscosity are met the paints are packaged and sent to BMC distribution centers. When colors are changed the tanks are washed with solvents. After cleaning, these solvents are containerized and used again when the color of paint that was cleaned out of the tank is used again. During the inspection the facility representative stated that the solids are filtered out of the solvents before they are reused. On November 12, 2013, Mr. Braun contacted the Department and stated he was wrong about the filtering process. He stated that the solvent is used as is, and that the solids that may be in the solvents are actually beneficial to the new paints.

In its most recent notification of regulated waste activity (ADEM Form 8700-12, dated April 22, 2013) BMC identified itself as a large quantity generator of hazardous waste, small quantity handler of universal waste, and generator of used oil..

IX. Observations

Mr. Himes and I (hereinafter "we" or "us") arrived at the facility on the afternoon of November 6, 2013. Mr. Freeman, who represented Legacy Cabinets during the inspection, received us. During the opening meeting with Mr. Freeman, we presented our credentials, explained the purpose of the inspection, and requested various records related to hazardous waste management and personnel training.

Following the opening meeting, we conducted a walk-through inspection of the facility where I noted the following:

Low Flash Building

Paints that dry by solvent evaporation and contain the solid binder dissolved in a solvent are manufactured in this area. This building is a spark free environment

Low Flash Warehouse

In this area, I observed one approximately thirty cubic foot wooden crate containing spent bulbs. The crate was labeled "Universal Waste Lamps. The crate was not closed; the wooden top only covered three quarters of the crate. The crate was marked with an accumulation start date of 11-01-2012. The facility representative stated that the crate had exceeded the one year time limit because they were holding the crate until it was full. At the time of the inspection the crate was three quarters full.

Low Flash Mix Area

In this area, I observed two 55-gallon metal satellite accumulation area (SAA) drums (D001, F003). The drums was labeled "Hazardous Waste" and under the control of the operator generating the waste. The drum was closed.

90-Day Hazardous Waste Storage Area

In this area, I observed thirty-two 55-gallon metal drums containing hazardous waste (D001, F003). Each of the drums were labeled with the words "Hazardous Waste," marked with accumulation start dates (the oldest of which was dated 08/21/2013)., and closed at the time of the inspection The secondary containment system appeared to be in good shape.

Low Flash Fill Tower

In this area, I observed one 55-gallon metal SAA drum. The drum was labeled "Hazardous Waste" (D001, F003) and under the control of the operator generating the waste. The drum was not closed; the ring securing the lid to the drum was loose.

Main Building

Paints that are a water-borne dispersion of synthetic polymers are generated in this area. These paints cure by a process called coalescence where first the water, and then the trace solvent, evaporate and draw together and soften the binder particles and fuse them together into irreversibly bound networked structures, so that the paint will not re-dissolve in the solvent/water that originally carried it.

Small Batch Main Building

In this area, I observed two 55-gallon drums containing spent solvent (D001, F003). The drum was labeled "Hazardous Waste" and under control of the operator generating the waste.
. The drums were not closed; the rings securing the lids to the drums were not tight.

New Shed

In this area, I observed approximately 100 55-gallon drums of solvent that was used to clean the paint manufacturing tanks. The facility representative stated that the solvent is being sent to GDB

International, Inc. (GDB).They use the solvents in their paint manufacturing processes. Mr. Himes asked if GDB used the solvent as is or did they have to rework the solvent to use it. The facility representative was not sure of GDB process. Mr. Himes stated he would be contacting GDB to inquire about their process.

Main Building Fill Tower
In this area, I observed one 55-gallon SAA drum. The drum was closed and under the control of the operator. The drum was not labeled "Hazardous Waste" or with other words to identify the contents of the drum.

Main Building 5-gallon Fill Line
In this area, I observed one 5-gallon container holding spent solvent. The container was not labeled "Hazardous Waste" or with other words to identify the contents of the container. The container was also not closed (i.e., without lid).

Main Building Maintenance Area
In this area, I observed three universal waste lamp containers. All of the containers were labeled and marked with an accumulation start date (that was less than year). One of the containers was not closed, the tape holding the box closed had come loose.

Main Building Lab Area
In this area, I observed one 55-gallon SAA drum. The drum had an aerosol can puncturing unit attached. The drum was open; the closing device for the puncturing unit was in the open position at the time of the inspection.

Following the walk-through inspection, we conducted a review of relevant documents.

Records Review
We reviewed the facility's contingency plan, personnel training records, inspection logs, and the waste minimization plan.

- The hazardous waste training records for Mr. Jack Pirtle form 2011 and 2012 were not available for review.
- Steve Paich (no longer employed) is listed as the emergency coordinator in the contingency plan.
- Location of emergency equipment is not list in the contingency plan.
- 90-Day Storage Area weekly inspections were missing from April 1, 2011 through July 11, 2011 and April 1, 2012 through June 12, 2012.

X. Summary

During the closing meeting, we discussed the preliminary findings of the CEI. After the closing meeting,

we departed the facility.

XI. Signed

Corey D. Holmes

Compliance and Enforcement Section, Industrial Hazardous Waste Branch
Land Division

November 21, 2013
Date

XII. Concurrence

Clethes Stallworth, Chief
Compliance and Enforcement Section, Industrial Hazardous Waste Branch
Land Division

Date